

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JESSICA L. M.,

Plaintiff,

5:24-CV-403
(GTS/ML)

v.

FRANK BISIGNANO, Commissioner of Social
Security,

Defendant.

APPEARANCES:

OF COUNSEL:

HILLER COMERFORD INJURY &
DISABILITY LAW

Counsel for Plaintiff

6000 North Bailey Avenue, Suite 1a
Amherst, New York 14226

JUSTIN M. GOLDSTEIN, ESQ.
ELIZABETH HAUNGS, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF GENERAL COUNSEL

Counsel for Defendant

6401 Security Boulevard
Baltimore, Maryland 21235

JASON P. PECK, ESQ.

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Miroslav Lovric, filed on June 9, 2025 recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be reversed, and (4) the case be remanded to the Commissioner for further proceedings

pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 20.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Lovric's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation.¹ Magistrate Judge Lovric employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 20.) As a result, the Report-Recommendation is accepted and adopted in its entirety; Plaintiff's motion for judgment on the pleadings is granted, Defendant's motion for judgment on the pleadings is denied, the Commissioner's decision is vacated, and this matter is remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 20) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that the Commissioner's motion for judgment on the pleadings (Dkt. No. 18) is **DENIED**; and it is further

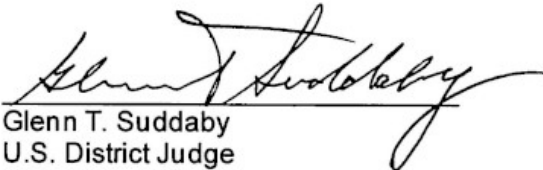
ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. Nos. 15, 19) is **GRANTED**; and it is further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

ORDERED that the Commissioner's decision denying disability benefits is
REVERSED; and it is further

ORDERED that this matter is **REMANDED** to the Commissioner of Social Security for
further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: July 17, 2025
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge